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RCR/1648

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  See The American Inventors Protection Act of 1999 (AIPA).	Express Mail No	EV 335 857 891 US
	Application Number	09/591,789
	Filing Date	June 12, 2000
	First Named Inventor	John J. Marchalonis
	Group Art Unit	1648
	Examiner Name	Jeffrey S. Parkin
	Attorney Docket No.	7760-012

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**
  - a. ☐ Previously submitted
    - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
    - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed \_\_\_\_\_
    - iii. ☐ Other \_\_\_\_\_
  - b. ☒ Enclosed
    - i. ☒ Amendment/Reply
    - ii. ☐ Affidavit(s)/Declaration(s)
    - iii. ☒ Supplemental Information Disclosure Statement (IDS)
    - iv. ☒ Other Petition for an Extension of Time
2. **Miscellaneous**
  - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months.  
(Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
  - b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed
  - a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Pennie & Edmonds LLP Deposit Account No. 16-1150:
    - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e), estimated to be \$ 385.00 (small entity)
    - ii. ☐ Extension of time fee required under 37 C.F.R. §§ 1.136 and 1.17, estimated to be \$ \_\_\_\_\_ for a \_\_\_\_\_ month extension, the request for which is being made herewith 12/10/2003 DTESSEM1 00000057 161150 09591789
    - iii. ☐ Other 01 FC:2801 385.00 DA
  - b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
  - c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Thomas E. Friebe	Registration No. (Attorney/Agent)	29,258
Signature	Thomas E. Friebe	Date	December 5, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner For Patents, P.O. Box 1450, Mail Stop RCE, Alexandria, VA 22313-1450, or by facsimile transmitted to fax no. 1-703-\_\_\_\_\_ to the U.S. Patent and Trademark Office on the date indicated below.

Name (Print/Type)		Registration No. (Attorney/Agent)	
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents P.O. Box 1450, Mail Stop RCE, Alexandria, VA 22313-1450.



Express Mail No. EV 335 857 891 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Marchalonis *et al.*

Confirmation No.: 5233

Serial No.: 09/591,789

Art Unit: 1648

Filed: June 12, 2000

Examiner: Jeffrey S. Parkin

For: MODULATION OF IMMUNE  
RESPONSE AND METHODS  
BASED THEREON

Attorney Docket No.: 7760-012

AMENDMENT FEE TRANSMITTAL SHEET

Commissioner for Patents  
Mail Stop RCE  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The fee required to be filed with the accompanying Response under 37 C.F.R. § 1.111 with Amendment of even date herewith concerning the above-identified application has been estimated to be \$0.00.

Please charge any required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: December 5, 2003

Thomas E. Friebe  
Thomas E. Friebe

29,258  
(Reg. No.)

By:

William Thomann  
William Thomann

40,203  
(Reg. No.)

**PENNIE & EDMONDS LLP**  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Marchalonis *et al.*

Confirmation No.: 5233

Serial No.: 09/591,789

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Filed: June 12, 2000

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For: MODULATORS OF IMMUNE RESPONSE AND  
METHODS BASED THEREON

Attorney Docket No.: 7760-012

**RESPONSE UNDER 37 C.F.R. § 1.111 WITH AMENDMENT**

Commissioner for Patents  
Mail Stop RCE  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the Rule of Practice and in response to the rejection set forth in the outstanding Office Action dated November 5, 2002, please enter the following amendments and consider the remarks made below in connection with the above-identified patent application. Applicants submit concurrently herewith (a) a Petition under 37 C.F.R. § 1.36(a) for Extension of Time for Response for a period of five months from May 5, 2003 up to December 5, 2003, accompanied by the appropriate fee; (b) an Amendment Fee Transmittal Sheet; (c) a Request for Continued Examination; (d) a Supplemental Information Disclosure Statement; (e) a List of References Cited listing References AD-AF; and (f) a copy of each of the listed references.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 3 of this paper.